

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

ANTHONY MARTIN,

Plaintiff,

v.

NEW JERSEY DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

Civil. Action No. 19-20969 (JXN)(SDA)

**MEMORANDUM AND ORDER**

**NEALS, District Judge**

This matter is before the Court upon the motions for summary judgment filed by Defendants Corrections Officer Grundy and Sergeant Starks (ECF No. 79) and Defendants Stevin D. Wheeler and Nurse Johnson (ECF No. 80). Plaintiff, through counsel, filed a response in opposition to the motions for summary judgment. (ECF No. 82.)

Under Local Civil Rule 56.1, the party moving for summary judgment must furnish a statement of material facts not in dispute. L. Civ. R. 56.1(a). Upon the filing of such a statement, the opposing party must “furnish, with its opposition papers, a responsive statement of material facts, addressing each paragraph of the movant’s statement, indicating agreement or disagreement and, if not agreed, stating each material fact in dispute and citing to the affidavits and other documents submitted in connection with the motion.” *Id.* Significantly, “any material fact not disputed shall be deemed undisputed for purposes of the summary judgment motion.” *Id.*

Plaintiff has failed to include a responsive statement of material facts with his opposition brief as required by Rule 56.1. As such, Defendants’ statements of undisputed facts (ECF Nos. 79-

2 and 80-2 at 20-23) are currently unopposed. The Court will provide Plaintiff with an opportunity to file the required responsive statement of material facts. Accordingly, in the interests of justice,

**IT IS** on this 17<sup>th</sup> day of January 2025,

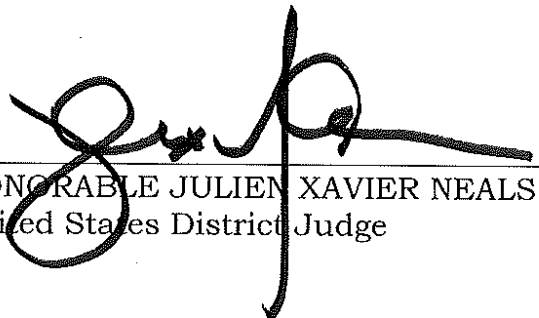
**ORDERED** that within thirty (30) days of the date of this Order, Plaintiff shall file a responsive statement of material facts, addressing each paragraph of the Defendants' statements of undisputed facts (ECF Nos. 79-2 and 80-2 at 20-23), indicating agreement or disagreement and, if not agreed, stating each material fact in dispute and citing to the affidavits and other documents submitted in connection with the motion; it is further

**ORDERED** that if Plaintiff fails to file the ordered responsive statement of material facts, Defendants' statements of undisputed facts will be deemed unopposed; it is further

**ORDERED** that Defendants may file a reply within fourteen (14) days of their receipt of Plaintiff's responsive statement of material facts; it is further

**ORDERED** that Defendants' motions for summary judgment (ECF No. 79 and 80) are **ADMINISTRATIVELY TERMINATED**, to be reopened by the Court either (1) upon receipt of Plaintiff's responsive statement of material facts, or (2) at the expiration of the allowed time for said statement; and it is finally

**ORDERED** that the Clerk of Court shall service a copy of this Order upon the parties electronically.



HONORABLE JULIEN XAVIER NEALS  
United States District Judge